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10/619,758	07/15/2003	Christopher Vienneau	302/1/030	7388

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EXAMINER	
OSBERG, THUY THANH	
ART UNIT	**PAPER NUMBER**
2179	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/619,758	VIENNEAU ET AL.	
	Examiner	Art Unit	
	Thuy Osberg	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/15/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to the original application filed 07/15/2003.

This action is **Non-Final**. Claims 1-32 are pending and have been examined.

Claim Rejections - 35 USC § 101

2. **35 U.S.C. 101 reads as follows:**

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 31-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

As to claim 31, a "computer-readable medium" is being recited; however, as disclosed by the specification sections are taught to be software, per se, without a computer readable medium capable of producing a useful, concrete and tangible result when used in the computer system.

As such, claim 32 is rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-10, 14-23 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al. (US Pub 2004/0125124), hereinafter "Kim"

As claim 1, Kim teaches apparatus for processing image data (Abstract, lines 1-6; fig. 14A, labels 1402, 1408, 1410, 1414, 1418, 1424, 1426, 1428; par [0206]; par [0207], lines 1-3; par [0208]; fig. 20; par [0252]) comprising processing means (Abstract, lines 1-3, 12-18; par [0017], lines 13-16; par [0208]), input means (par [0094];par [0182]; fig. 11A, 11B, 11C, 11D; par [0187]) and display means (par [0026]; fig. 3; par [0105]; par [0043]; par [0155]), wherein said image data is defined by a plurality of data processing nodes arranged in a hierarchical structure (fig. 2B, label 220; fig. 9, label 960; par [0155], lines 1-7) and said processing means is configured to perform the steps of (Abstract; fig. 9; par [0155], lines 7-29):

generating a first image frame comprising a plurality of components by means of processing said plurality of data processing nodes (fig. 2B, labels 41, 42, 45; par [0101], lines 1-8; par [0254]);

outputting said first image frame to said display means (fig. 9, labels 910, 960; par [0155]);

receiving, via said input means, first user input data indicating one of said plurality of components (par [0094], lines 1-11; par [0105]; par [0136], lines 1-5; par [0182], lines 1-7);

selecting a first data processing node considered to be appropriate to said indicated component (fig. 11A, 11B, 11C, 11D; par [0105]; par [0187];

generating a second image frame comprising said plurality of components (fig. 3, labels 321, 322, 323, 324; 310, 330; par [0105]-[0106]; par [0108]; par [0193]) and further comprising tools relevant to said first data processing node (fig. 4; par [0109]; par [0217]);

and outputting said second image frame to said display means (fig. 5, label 550; par [0109], lines 19-24; par [0114]; par [0121]).

As claim 2, Kim further teaches the first data processing node is in a sub-structure of said hierarchical structure that defines said component (fig. 3; par [0106]).

As claim 3, Kim further teaches the sub-structure is a layer, wherein a layer is defined as a connected collection of nodes having at the top a node that has the same parent node as at least one other node (par [0097]).

As claim 4, Kim further teaches the processing means selects said first data processing node by performing the following steps:

identifying one of the plurality of data processing nodes that defines said component (fig. 4; par [0109]);

defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of children nodes (par [0097]);

identifying the layer that includes said identified data processing node (fig. 6; par [0127]);

and selecting the top node of said identified layer (fig. 6, label 650; par [0127]).

As claim 5, Kim further teaches the processing means selects said first data processing node by performing the following steps:

identifying one of the plurality of data processing nodes that defines said component (fig. 4; par [0109]);

defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of children nodes (par [0097]);

identifying the layer that includes said identified data processing node (fig. 6; par [0125]-[0127]);

and selecting a bottom node of said identified layer (fig. 6, label "Field and track" ; par [0127]).

As claim 6, Kim further teaches the processing means selects said first data processing node by performing the following steps:

identifying one of the plurality of data processing nodes that defines said component (fig. 4; par [0109]);

selecting the closest node above said identified node that has the same parent node as at least one other node (par [0127]; par [0187]).

As claim 7, Kim further teaches in response to first further user input data said processing means performs the following steps:

selecting a portion of said hierarchical structure that is considered appropriate to said selected component and contains said first data processing node (fig. 6 ; par [0127]);

generating third image data comprising a depiction of said portion (fig. 3, labels 321, 322, 323, 324; 310, 330; par [0105]-[0106]; par [0108]; par [0193]);

and outputting said third image data to said display means (fig. 5, label 550; par [0109], lines 19-24; par [0114]; par [0121]).

As claim 8, Kim further teaches the third image data further includes a display of parameters relating to said first data processing node (par [0138], that the time code and frame ID are identified for the data processing node).

As claim 9, Kim further teaches the portion of said hierarchical structure is a layer (par [0097]), wherein a layer is defined as a connected collection of nodes having at the top a node (fig. 12B, label 21) that has the same parent node (fig. 12B, label 31) as at least one other node (fig. 12B, labels 1, 2).

As claim 10, Kim further teaches in response to second further user input data indicating navigation through said hierarchical structure said processing means performs the following steps (par [0158]):

selecting a second data processing node (fig. 11A, 11B, 11C, 11D; par [0105]; par [0187]);

generating a fourth image frame comprising said plurality of components (fig. 3, labels 321, 322, 323, 324; 310, 330; par [0105]-[0106]; par [0108]; par [0193]) and tools relevant to said second data processing node (fig. 4; par [0109]; par [0217]);

and outputting said fourth image frame to said display means (fig. 5, label 550; par [0109], lines 19-24; par [0114]; par [0121]).

As claim14, Kim teaches a method of processing image data (Abstract, lines 1-6; fig. 14A, labels 1402, 1408, 1410, 1414, 1418, 1424, 1426, 1428; par [0206]; par [0207], lines 1-3;

par [0208]; fig. 20; par [0252]), wherein:

an image frame (par [0026]; fig. 3; par [0105]; par [0043]; par [0155]) comprising a plurality of components is generated by processing a plurality of data processing nodes arranged in a hierarchical structure (fig. 2B, label 220; fig. 9, label 960; par [0155], lines 1-7);

said image frame is displayed to a user (par [0094], lines 1-11; par [0105]; par [0136], lines 1-5; par [0182], lines 1-7);

said user manually selects one of said plurality of components for adjusting (par [0094], lines 1-11; par [0105]; par [0136], lines 1-5; par [0182], lines 1-7);

a first data processing node considered to be appropriate to said component is selected (fig. 11A, 11B, 11C, 11D; par [0105]; par [0187];

and editing tools relevant to said first data processing node are displayed to said user (fig. 4; par [0109]; par [0217]).

As claim 15, Kim further teaches the first data processing node is in a sub-structure of said hierarchical structure that defines said component (fig. 3; par [0106]).

As claim 16, A Kim further teaches the sub-structure is a layer, wherein a layer is defined as a connected collection of nodes having at the top a node that has the same parent node as at least one other node (par [0097]).

As claim 17, Kim further teaches selecting said first data processing node comprises the following steps of:

identifying one of the plurality of data processing nodes that defines said component (fig. 4; par [0109]);

defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of children nodes (par [0097]);

identifying the layer that includes said identified data processing node (fig. 6; par [0127]);

and selecting the top node of said identified layer (fig. 6, label 650; par [0127]).

As claim 18, Kim further teaches selecting said first data processing node comprises the following steps:

identifying one of the plurality of data processing nodes that defines said component (fig. 4; par [0109]);

defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of children nodes (par [0097]);

identifying the layer that includes said identified data processing node (fig. 6; par [0125]-[0127]);

and selecting a bottom node of said identified layer (fig. 6, label "Field and track" ; par [0127]).

As claim19, Kim further teaches selecting said first data processing node comprises the following steps:

identifying one of the plurality of data processing nodes that defines said component (fig. 4; par [0109]);

selecting the closest node above said identified node that has the same parent node as at least one other node (par [0127]; par [0187]).

As claim 20, Kim further teaches in response to further manual input a portion of said hierarchical structure that is considered appropriate to said selected component (fig. 6; par [0127]) and contains said first data processing node (fig. 3, labels 321, 322, 323, 324; 310, 330;

par [0105]-[0106]; par [0108]; par [0193]) is displayed to said user (fig. 5, label 550; par [0109], lines 19-24; par [0114]; par [0121]).

As claim 21, Kim further teaches a display of parameters relating to said first data processing node is additionally displayed to said user (par [0138], that the time code and frame ID are identified for the data processing node).

As claim 22, Kim further teaches the portion of said hierarchical structure is a layer (par [0097]), wherein a layer is defined as a connected collection of nodes having at the top a node that has the same parent node as at least one other node (fig. 12B, label 21) that has the same parent node (fig. 12B, label 31) as at least one other node (fig. 12B, labels 1, 2).

As claim 23, Kim further teaches the user manually selects

a direction for navigation through said hierarchical structure (par [0158]);

a second data processing node is selected in response to said direction (fig. 11A, 11B, 11C, 11D; par [0105]; par [0187]);

and editing tools relevant to said first data processing node are displayed to said user (fig. 4; par [0109]; par [0217]);

and outputting said fourth image frame to said display means (fig. 5, label 550; par [0109], lines 19-24; par [0114]; par [0121]).

As claim 27, Kim teaches in a computer system having a graphical user interface including a display and a user interface selection device (Abstract, lines 1-6; fig. 14A, labels

1402, 1408, 1410, 1414, 1418, 1424, 1426, 1428; par [0206]; par [0207], lines 1-3; par [0208]; fig. 20; par [0252]), a method of processing image data, wherein:

an image frame (par [0026]; fig. 3; par [0105]; par [0043]; par [0155]) comprising a plurality of components is generated by processing a plurality of data processing nodes arranged in a hierarchical structure (fig. 2B, label 220; fig. 9, label 960; par [0155], lines 1-7);

said image frame is displayed to a user by means of said display (par [0094], lines 1-11; par [0105]; par [0136], lines 1-5; par [0182], lines 1-7);

said system responds to manual operation of said user interface selection device when said user manually selects one of said plurality of components for adjusting (par [0094], lines 1-11; par [0105]; par [0136], lines 1-5; par [0182], lines 1-7);

said system identifies a first data processing node considered to be appropriate to the component that has been selected (fig. 11A, 11B, 11C, 11D; par [0105]; par [0187]);

and said system updates said graphical user interface to present editing tools relevant to said first data processing node (fig. 4; par [0109]; par [0217]).

As claim 28, Kim further teaches selecting said first data processing node comprises the steps of

identifying one of the plurality of data processing nodes that define said component (fig. 4; par [0109]);

defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of subordinate nodes (par [0097]);

identifying the layer that includes said identified data processing node (fig. 6; par [0127]);

and selecting the top node of said identified layer (fig. 6, label 650; par [0127]).

As claim 29, A method according to claim 27, wherein said user manually selects a direction for navigation through said hierarchical structure using said user interface selection device (par [0158]);

a second data processing node is selected in response to said direction (fig. 11A, 11B, 11C, 11D; par [0105]; par [0187]);

and editing tools relevant to said first data processing nodes (fig. 4; par [0109]; par [0217]) are displayed to said user via said graphical user interface (fig. 5, label 550; par [0109], lines 19-24; par [0114]; par [0121]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 11-13, 24-26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Lokuge (US Patent 6,252,597).

As claim 11, Kim further teaches the second data processing node is connected in said hierarchical structure to said first data processing node (fig. 12B, labels 21, 31).

Kim does not teach the user input data indicates vertical.

However, Lokuge teaches the user input data indicates vertical (col. 3, lines 9-14, 46-55; fig. 4; col. 6, lines 21-39; fig. 16, labels 125, 126; col. 11, lines 31-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kim by having the user input data indicates vertical as taught by Lokuge in order to provide a graphical user interface that can visibly present a large file structure on a desktop (Lokuge: col. 3, lines 25-32).

As claim 12, Kim further teaches the second data processing a node has the same parent node as said first data processing node (fig. 12B, labels 21, 31).

Kim does not teach the user input data indicates horizontal navigation.

However, Lokuge teaches the user input data indicates horizontal navigation (col. 3, lines 9-14, 46-55; fig. 4; col. 6, lines 21-39; fig. 11, labels 111, 112, 113, 114; col. 10, lines 54-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kim by having the user input data indicates horizontal navigation as taught by Lokuge in order to provide a graphical user interface that can visibly present a large file structure on a desktop (Lokuge: col. 3, lines 25-32).

As claim 13, Kim further teaches the second data processing node is of a comparable data type to said first data processing node but defines a different one of said plurality of components from said indicated component (fig. 12B, labels 21, 31, 32, that label 21 is the parent and in order for components label 21 and 22 to function, it must be a compatible data type).

Kim does not teach the user input data indicates horizontal navigation.

However, However, Lokuge teaches the user input data indicates horizontal navigation (col. 3, lines 9-14, 46-55; fig. 4; col. 6, lines 21-39; fig. 11, labels 111, 112, 113, 114; col. 10, lines 54-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kim by having the user input data indicates horizontal navigation as taught by Lokuge in order to provide a graphical user interface that can visibly present a large file structure on a desktop (Lokuge: col. 3, lines 25-32).

As claim 24-26 are rejected as the same of claim 11-13 reflect an apparatus for performing the steps of method claims 11-13, respectively, and are rejected along the same rationale.

As claim 30, Kim further teaches the second data processing node being connected in said hierarchical structure to said first processing node (fig. 12B, labels 21, 31), and the second data processing node being selected that is of a comparable data type to said first data processing node but defines a different one of said plurality of components (fig. 12B, labels 21, 31, 32, that label 21 is the parent and in order for components label 21 and 22 to function, it must be a compatible data type).

Kim does not teach the movement of said interface selection device in a first and second direction.

However, Lokuge teaches the movement of said interface selection device in a first direction (col. 3, lines 9-14, 46-55; fig. 4; col. 6, lines 21-39; fig. 16, labels 125, 126; col. 11, lines 31-43) and second direction (col. 3, lines 9-14, 46-55; fig. 4; col. 6, lines 21-39; fig. 11,

labels 111, 112, 113, 114; col. 10, lines 54-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kim by having the movement of said interface selection device in a first and second direction such as vertical and horizontal navigation/directions as taught by Lokuge in order to provide a graphical user interface that can visibly present a large file structure on a desktop (Lokuge: col. 3, lines 25-32).

8. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Stall (US Pub 2002/0075327).

As claim 31, Kim teaches generating an image frame nodes (fig. 2B, labels 41, 42, 45; par [0101], lines 1-8; par [0254]) comprising a plurality of components by processing a plurality of data processing nodes arranged in a hierarchical structure fig. 2B, label 220; fig. 9, label 960; par [0155], lines 1-7);

displaying said image frame to a user (par [0094], lines 1-11; par [0105]; par [0136], lines 1-5; par [0182], lines 1-7);

responding to a user's manual selection of one of said plurality of components for adjustment (par [0094], lines 1-11; par [0105]; par [0136], lines 1-5; par [0182], lines 1-7);

identifying a first data processing node considered to be appropriate to said component that has been selected (fig. 11A, 11B, 11C, 11D; par [0105]; par [0187]);

and presenting editing tools relevant to said first data processing node to said user (fig. 4; par [0109]; par [0217]).

Kim does not teach a computer-readable medium having computer-readable instructions executable by a computer such that, when executing said instructions, a computer will perform the steps of above.

However, Stall teaches a computer-readable medium (fig. 1, labels 27, 29, 31; par [0029]) having computer-readable instructions executable by a computer such that, when executing said instructions (fig. 2, labels 70, 72; par [0034]), a computer will perform the steps of above. Therefore, it would have been obvious to one ordinary skill in the art the time the invention to modify Kim by having a computer-readable medium having computer-readable instructions executable by a computer such that, when executing said instructions, a computer will perform the steps of above as taught by Stall in order to provide a system containing a user interface on a computer to enhance the user's ability to modify the output and add functionality to the product with a higher performance (Stall: par [0012]).

As claim 32, Kim further teaches:

identifying one of the plurality of data processing nodes that define said component (fig. 4; par [0109]);

defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of subordinate nodes (par [0097]);

identifying a layer that includes said identified data processing node (fig. 6; par [0127]);

and selecting the top node of said identified layer (fig. 6, label 650 ; par [0127]).

Conclusion

9. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Osberg whose telephone number is 571-270-1258. The examiner can normally be reached on Monday-Friday (8:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTO

/BA HUYNH/
PRIMARY EXAMINER